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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,149	01/02/2002	Bob Janssen	DVME-1018US	9408

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EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/040,149	JANSSEN ET AL.
	Examiner	Art Unit
	Philip S. Scuderi	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>02 January 2002</u>.

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-19</u> is/are rejected.

7) ☒ Claim(s) <u>1, 11, 18, and 19</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 January 2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

2.   The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3.   The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

4.   Claim 1 is objected to because of the following informalities: "Server-based computing system" on line 1. The Examiner suggests "A server-based computing system".

5.   Claim 11 is objected to because of the following informalities: "Method for providing a client computer (5) with a user interface" on line 1 and "which client computer (5) is connected to a server" on line 4. The Examiner suggests "A method for providing a client computer (5) with a user interface" and "wherein the client computer (5) is connected to a server" respectively.

6.   Claim 18 is objected to because of the following informalities: "Computer program" on line 1. The Examiner suggests "A computer program".

7.   Claim 19 is objected to because of the following informalities: "Computer

program" on line 1. The Examiner suggests "A computer program".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

8.   Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

9.   With respect to claim 18, a "computer program that can be loaded onto server

through a network" is not tangible.

10.   With respect to claim 19, a "computer program that can be loaded onto computer

through a network" is not tangible.

Claim Rejections - 35 USC § 102

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

11.   Claims 1, 2, 6-15, and 18-19 are rejected under 35 U.S.C. 102(b) as being

anticipated by Panasyuk et al. (WO 99/63430, hereinafter "Panasyuk").

12.   With respect to claim 1, Panasyuk discloses a server based computing system,

comprising at least one server (fig. 1 #20) and at least one client computer (fig. 1 #10),

connected to the server through a network (Figure 1 discloses #10 and #20 networked

together.), wherein the server comprises means for providing the client computer with a

user interface (p. 3 line 28 – p. 4 line 1, Client nodes may connect to the server using

RDP (Remote Desktop Protocol) which provides a user interface.), wherein the client

computer comprises an input device for providing input to an application through the user

interface (p. 7 lines 2-3, Changes in the client agent's associated desktop done on an

event driven basis clearly suggests that an input device initiates events.) and a display

device for presenting output from an application through the user interface (p. 4 lines 7-

10), wherein the server comprises means for running the application (p. 4 lines 9-11, The

local node may display desktop components (applications) received from the server

node.), wherein the system comprises means for controlling the locally run applications

through the user interface (p. 2 lines 3-6, p. 4 lines 9-10).

13.   With respect to claim 2, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses the system comprising means for controlling an application

running on the server and further applications, running locally, through the user interface

(p. 2 lines 3-6).

14.   With respect to claim 6, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses the system comprising means for generating a merged local

client screen, for display on the display device (col. 2 lines 3-6).

15.   With respect to claim 7, Panasyuk discloses the system applied to claim 6.

Panasyuk further discloses the server comprising means for controlling the display of the

merged local client screen on the display device (fig. 3 steps 302-308).

16.   With respect to claim 8, Panasyuk discloses the system applied to claim 6.

Panasyuk further discloses that the client computer comprises means for generating a

local client screen area, comprising visual output from the locally run applications (p. 4

lines 7-10), and the server comprises means for generating a screen area (p. 4 lines 7-11),

wherein the system comprises means for merging the local client screen area and the

screen area generated by the server, to form the local client screen (p. 2 lines 3-6, p. 4

lines 9-11).

17.   With respect to claim 9, Panasyuk discloses the system applied to claim 8.

Panasyuk further discloses means for automatically updating the local client screen when

changes occur in the screen area generated by the server (fig. 3 steps 302-308).

18.   With respect to claim 10, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses means for selecting a running application (p. 2 lines 3-6, The

user interacting with windows is clearly meant to comprise selecting the windows.) and

means for presenting output from the selected application to the client computer through

the user interface (fig. 2 #12).

19.   With respect to claim 11, Panasyuk discloses a method for providing a client

computer (fig. 1 #10) with a user interface for controlling at least one application that can

be run locally on the client computer (p. 2 lines 3-6), wherein the client computer is

connected to a server (fig. 1 #20) through a network (Figure 1 discloses #10 and #20

networked together.) and comprises a display device (fig. 2 #12), an input device and

means for running the application (p. 7 lines 2-3, Changes in the client agent's associated

desktop done on an event driven clearly suggests that an input device initiates events and

provides means for running the application.), wherein the user interface to the

applications is provided by the server (p. 3 line 28 – p. 4 line 1, Client nodes may connect

to the server using RDP (Remote Desktop Protocol) which provides a user interface.).

20.   With respect to claim 12, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses a screen area generated by the server and communicated to the

client computer for display on the display device (p. 4 lines 10-11).

21.   With respect to claim 13, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses a local client screen area comprising visual output from the

applications running on the client computer generated by the client computer (p. 4 lines

8-9) and merged with the screen area generated by the server, to form a local client

screen area, for display on the display device (p. 4 lines 9-11).

22.   With respect to claim 14, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses instructions sent from the server to the client computer

concerning the mode of display of the local client screen, on the display device (p. 6 lines

9-11).

23.   With respect to claim 15, Panasyuk discloses the system applied to claim 14.

Panasyuk further discloses that the local screen area is automatically updated when

changes occur in the screen area generated by the server (fig. 3 steps 302-308).

24.   With respect to claim 18, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses a computer program (fig. 2 #30) that can be loaded onto a

server (fig. 2 #20) connected through a network (fig. 2 discloses a network connecting

#20 and #10) to a client computer (fig. 2 #10), so that the server running the computer

program constitutes a server in a system according to claim 1 (see the rejection of claim

1).

25.   With respect to claim 19, Panasyuk discloses the system applied to claim 1.

Panasyuk further discloses a computer program (fig. 2 #40) that can be loaded onto a

computer (fig. 2 #10) connected through a network (fig. 2 discloses a network connecting

#20 and #10) to a server (fig. 2 #20), so that the computer running the computer program

constitutes a client computer in a system according to claim 1 (see the rejection of claim

1).

Claim Rejections - 35 USC § 103

26.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

27.   Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Panasyuk.

28.   With respect to claim 3, Panasyuk discloses the server based computing system

applied to claim 1. Panasyuk does not expressly disclose the user interface comprising

means for initiating a locally run application. Panasyuk disclose that clients may connect

using RDP (Remote Desktop Protocol) (p. 3 line 29 – p. 4 line 1). It was very well known

in the art at the time of invention that clients connected to a server using RDP could

initiate applications. Therefore, it would have been obvious to one of ordinary skill in the

art to supply a means for initiating a locally run application. The motivation for doing so

would have been so that the user could start the locally run application discussed in the

rejection of claim 1 above.

29.   With respect to claims 4 and 5, Panasyuk discloses the server based computing

system applied to claim 1. Panasyuk does not expressly disclose the system comprising

means for presenting an overview of available applications installed on the server and on

the client computer through the user interface. Panasyuk discloses that clients may

connect using RDP (Remote Desktop Protocol) (p. 3 line 29 – p. 4 line 1). It was very

well known in the art at the time of invention that RDP could be used to present an

overview of available applications installed on a server through a user interface. It would

have been obvious to one of ordinary skill in the art to present an overview of available

applications installed on the client through the user interface. The motivation for doing so

would have been so that the user could locate the locally run application discussed in the

rejection of claim 1 above.

30.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Panasyuk in view of *Remote Desktop Protocol (RDP) Features and Performance*,

Microsoft Corporation, 6/2000, hereinafter "RDP".

31.   With respect to claim 16, Panasyuk discloses the server based computing system

applied to claim 11. Panasyuk does not disclose a command to change the local client

screen communicated from the client computer to the server, whereupon the local client

screen is changed by the server. Nonetheless, a method for providing a client computer

with a user interface wherein a command to change a local client screen is communicated

from a client computer to a server is well known, as evidenced by RDP. In a similar art,

discloses a method for providing a client computer with a user interface (p. 6 "RDP uses

its own video driver on the server side to render display output by constructing the

rendering information into network packets using RDP protocol and sending them over

the network to the client. On the client side, it receives rendering data and interprets them

into the corresponding Win32 ® GDI API calls.") wherein a command to change a local

client screen is communicated from a client computer to a server (p. 6 "On the input path,

client mouse and keyboard messages are redirected from the client to the server. On the

server side, RDP uses its own virtual keyboard and mouse driver to receive these

keyboard and mouse events."). Given the teachings of RDP it would have been obvious

to one of ordinary skill in the art send commands to change the local client screen

communicated from the client computer to the server whereupon the local client screen is

changed by the server. The motivation for doing so would have been so that staff could

control the client computer (RDP p. 7 "Helpdesk staff can view or control another

Terminal Services session.").

32.   With respect to claim 17, Panasyuk discloses the server based computing system

applied to claim 11. Panasyuk does not disclose a command to initiate the local running

application on the client computer sent to the server and wherein a command line for

initiating the running of the application is generated by the server and sent to the client

computer. As discussed above, Panasyuk discloses that client nodes may connect to the

server using RDP. RDP discloses that client mouse and keyboard messages are redirected

from the client to the server (p. 6 "client mouse and keyboard messages are redirected

from the client to the server"). Given the teachings of RDP it would have been obvious to

one of ordinary skill in the art that once a command for initiating the local running of an

application on the client is received by the server it would have been obvious to generate

a command line for initiating the running of the application and send the command line to

the client computer. The motivation for doing so would have been to enable the client

computer to run the application as requested.

Conclusion

33.   The following prior art made of record and not relied upon is considered pertinent

to applicant's disclosure: Slavin et al. (US 6,675,193); Crater et al. (US 5,805,442);

Mansour et al. (US 2002/0109718); Boss et al. (US 5,758,110); and *rdesktop : A Remote*

Desktop Protocol Client (URL:

http://web.archive.org/web/20010201052500/http://www.rdesktop.org/, 2/1/2001).

34.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-

5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

35.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-

9306.

36.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

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